



7/18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

re Application of)
Ralf Reimelt et al) Art Unit: 2856
Appln. No. : 09/899,502) Examiner: R. Frank
Filed : July 6, 2000)
For: APPARATUS FOR DETERMINING AND/OR)
MONITORING THE FILLING LEVEL OF A)
PRODUCT IN A CONTAINER)

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JAN 20 2004

OFFICE OF PETITIONS

PETITION UNDER 37 CFR 1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner respectfully requests that the provisions of 37 CFR 1.193(b)(1) be suspended to allow Applicant/Appellants to file the Reply Brief and the Request for Oral Hearing, attached hereto.

The Examiner's Answer was mailed on November 4, 2003 and received by the undersigned's prior firm, Jones, Tullar & Cooper, P.C. on November 5, 2003. It was noted that the Reply Brief and the Request for Oral Hearing were due by January 4, 2004. In fact, both the Request for Oral Hearing and the Reply Brief were prepared by the undersigned on December 3, 2003 while at Jones, Tullar & Cooper, P.C. Unfortunately, the papers that were prepared were not filed and the file was transferred to the present firm of Bacon & Thomas, PLLC as a result of

08/11/2004 AKELLEY 00000017 101213 09899502

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a merger by the undersigned with the firm of Bacon & Thomas, PLLC. The failure to file the Request for Oral Hearing and the Reply Brief was inadvertent and resulted from the move from Jones, Tullar & Cooper, P.C. to Bacon & Thomas, PLLC.

It is respectfully requested that since the failure to file both the Request for an Oral Hearing and the Reply Brief was inadvertent, and due, for the most part, to the merger/move, the time provision of 37 CFR 1.193(b)(1) be waived, and Applicant/Appellants be permitted to file the attached Reply Brief and Request for an Oral Hearing.

The required fee of \$130.00 is attached.

Respectfully submitted,



Felix J. D'Ambrosio
Reg. No. 25,721

January 14, 2004

BACON & Thomas, PLLC, PLLC
425 Slaters Lane
Alexandria, VA 22314-1176
Phone: (703) 683-0500
Fax: (703) 683-1080

DAC
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: RALF REIMELT ET AL



SERIAL No.: 09/899,502

FILED: July 6, 2000

FOR: APPARATUS FOR DETERMINING AND/OR MONITORING THE FILLING LEVEL.....

GROUP ART UNIT: 2856

EXAMINER: R. Frank

ATTY. REFERENCE: REIM3001

COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 20 2004

OFFICE OF PETITIONS

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

Petition

Check in the Amount of \$ 130.00

23364
Customer Number

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 22314
(703) 683-0500

DATE: January 14, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Felix J. D'Ambrosio".

Felix J. D'Ambrosio
Attorney for Applicant
Registration Number: 25,721